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VOTERS' GUIDE

EXPLAINING PROPOSED AMENDMENTS

TO THE
CONSTITUTION

OF THE
STATE OF NEW HAMPSHIRE

November 5, 1974

TO THE VOTERS OF NEW HAMPSHIRE:

At the November 5, 1974, election, you will receive a separate non-partisan ballot with seven questions for your consideration. Each question refers to a proposed amendment to the New Hampshire Constitution. If *two-thirds* of the people who vote on any given question vote *YES*, then the Constitution will be amended as indicated in the question.

The first five questions have been proposed by the 1974 New Hampshire Constitutional Convention, a body of delegates elected every ten years to consider and recommend changes in your Constitution. The sixth and seventh questions have been proposed by the 1973 New Hampshire Legislature, which also has authority to consider and recommend changes in your Constitution.

This Voters' Guide was prepared by a committee of the Constitutional Convention, as authorized by the Convention, and by the Office of Legislative Services, with the approval of the legislative leadership.

The Guide includes each question exactly as it will appear on the ballot and explains the effect of each proposed amendment.

As you will see, the issues are important and deserve your study and your vote.

PLEASE REMEMBER

- that these questions are non-partisan — they are not related to any candidate or party
- that two-thirds of those who vote on each question must vote *YES* in order to amend the New Hampshire Constitution
- that the questions are on the ballot because your elected representatives thought the issues were important enough to require your consideration
- that each question merits your thought and your vote

QUESTION NO. 1

PENSIONS

QUESTION:

1. Are you in favor of amending the Constitution to remove the restriction against the Legislature granting pensions for more than one year at a time?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution prohibits the Legislature from granting pensions for more than one year at a time. This means that any amount appropriated for pensions by the Legislature every two years must be paid within a twelve month period. As a result, retired public employees do not receive pension payments during half of each two-year period, causing a difficult budgeting problem for them.

IF THE AMENDMENT IS ADOPTED:

The provision prohibiting pensions for more than one year will be removed. The Legislature can then provide for the payment of pensions over a longer period, subject to appropriations. This will eliminate a budgeting problem for retired public employees.

QUESTION NO. 2

EQUAL RIGHTS

QUESTION:

2. Are you in favor of amending the Constitution to prohibit denial or abridgement of equal rights by the state on account of race, creed, color, sex or national origin?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution assures certain "natural, essential, and inherent rights." However, it does not specifically guarantee equal rights under the law for all people.

IF THE AMENDMENT IS ADOPTED:

The Constitution will guarantee equality of these and other rights by including the provision that equality of rights shall not be denied or abridged by the state because of race, creed, color, sex, or national origin.

QUESTION NO. 3

ORGANIZATIONAL MEETINGS OF THE LEGISLATURE

QUESTION:

3. Are you in favor of amending the Constitution to allow an organizational meeting of the legislature in December rather than January biennially and to conform election reporting procedures to reflect that change; and to permit the legislature to finally dissolve on the first Wednesday of December rather than seven days before the first Wednesday of January biennially?

Yes ☐

No ☐

AT THE PRESENT TIME:

A newly-elected state Legislature meets for the first time on the first Wednesday in January in odd-numbered years — about two months after it is elected — and the old Legislature is dissolved seven days before the newly-elected Legislature meets.

This means:

- that New Hampshire actually has no Legislature in the seven-day period after the old Legislature is dissolved and before the new Legislature meets; and
- that the new Legislature has to use several legislative days in January merely choosing its officers, naming its committees, and organizing itself before it can start its work.

IF THE AMENDMENT IS ADOPTED:

The newly-elected Legislature will meet *for organizational purposes* on the first Wednesday in December of even-numbered years and the old Legislature will be dissolved the same day. The new Legislature will begin its *regular* session as before on the first Wednesday of January. Additionally, election reporting dates will be changed to meet the new schedule.

This will:

- assure that New Hampshire will always have a Legislature available to deal with possible state emergencies; and
- allow the newly-elected Legislature to organize early, leaving the regular session free for lawmaking.

QUESTION NO. 4

LEGISLATORS' OATHS

QUESTION:

4. Are you in favor of amending the Constitution to permit the legislature to provide alternate methods of taking the oath of office by senators and representatives when oaths cannot readily be taken before the governor and council?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution requires the Governor and Council to administer the oath of office to state senators and representatives. This means that oaths can be administered only when the Governor and Council are meeting. At times, this has delayed legislators from assuming their duties.

IF THE AMENDMENT IS ADOPTED:

The Legislature will be authorized to provide alternate methods for administering the oaths of office to a senator or representative, in circumstances when the Governor and Council cannot readily administer these oaths. Then, newly elected legislators can more quickly begin their work.

QUESTION NO. 5

SIZE OF THE SENATE

QUESTION:

5. Are you in favor of amending the Constitution to increase the size of the senate from twenty-four to thirty-six members and to make proportionate changes in the senate quorum and voting requirements, and to permit division of a town, city ward or unincorporated place in forming senate districts when the population thereof makes division necessary to provide equal representation?

Yes ☐

No ☐

AT THE PRESENT TIME:

The State Senate is composed of 24 Senators. Based on the 1970 Census, each Senator represents about 32,000 people.

During the 1973 legislative session alone the Senate considered almost 900 separate pieces of legislation. In order to handle such a volume of work, and because of the Senate's small size, each Senator must serve on several major committees, some of which meet at the same time.

Another provision of the Constitution requires that at least 13 Senators be present for the whole body to do any business, and that if fewer than 16 Senators are present, any action must be supported by the votes of at least 10 Senators in order to pass.

In addition, the Constitution prohibits dividing any town, city ward, or unincorporated place in the process of establishing Senatorial districts.

IF THE AMENDMENT IS ADOPTED:

The State Senate will be increased in size to 36 Senators. Based on the 1970 Census, each Senatorial district will then include about 20,000 people.

This will permit the Senators to represent smaller districts, to know their constituents better, and to focus their legislative efforts more effectively.

In a ratio similar to that existing now, at least 19 Senators will have to be present to permit legislative business to be done. If fewer than 24 Senators are present, any action will require the votes of at least 15 Senators to pass.

To establish Senatorial districts, the division of towns, wards, or unincorporated places will be allowed *only* where excess population in a town, ward, or place makes such division necessary in order to create districts with equal population.

QUESTION NO. 6

VOTING AGE

QUESTION:

6. Are you in favor of amending the New Hampshire Constitution to conform to the Federal requirements allowing eighteen-year-olds to vote?

Yes ☐

No ☐

AT THE PRESENT TIME:

The State Constitution provides that in order to vote, a person must be twenty-one and an inhabitant of the district where he votes. On July 5, 1971, the 26th Amendment to the United States Constitution was ratified giving the right to vote to eighteen-year-olds. The result of this amendment to the United States Constitution is to give eighteen-year-olds the right to vote in state and local elections regardless of what our State Constitution says.

IF THE AMENDMENT IS ADOPTED:

The State Constitution provisions relating to the age of voters would be changed to conform to the voting age requirement of the United States Constitution, so that our State Constitution also would specify that eighteen-year-olds may vote.

QUESTION NO. 7

LEGISLATIVE MILEAGE

QUESTION:

7. Are you in favor of amending the Constitution to remove the restriction which provides that mileage may not be paid to legislators for attendance at regular sessions after the first day of July following the convening of such session but retaining the restriction that they cannot be paid mileage for more than 90 days for attendance at any such session?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution directs that the Legislature meet in regular session biennially (every two years) in January of the odd-numbered year and at such other times as it deems necessary.

It also limits the number of days and period during which legislators may receive mileage payments for attendance at such regular sessions to ninety legislative days or July 1, whichever occurs first.

The result is that the Legislature does not meet annually in regular session because members cannot be paid mileage allowances for travel to such legislative sessions after July first of the first year of their two-year term; and, therefore, it is the usual procedure that the Legislature completes all its business for its full two-year term in the six-month period from January to July 1 of their first year, even though it is in existence for a full two years.

IF THE AMENDMENT IS ADOPTED:

The Legislature would still be elected for a two-year term and mileage payments for attendance at regular sessions of the Legislature would still be limited to ninety legislative days, but the July first deadline would be removed. The result would be that the legislators could use the ninety mileage payments any time during the two-year period; and thus the Legislature could meet annually in regular session and be paid mileage if it chose to do so, so long as it did not meet for more than ninety legislative days during the two-year period.

YOU MAY TAKE THIS
GUIDE WITH YOU
TO THE POLLS.

"Every voter who wishes to vote "Yes" will make a cross in the square near the word "Yes"; if he wishes to vote "No" he will make a cross in the square near the word "No". If he makes no cross in either square, his ballot will not be counted as to such question."

* * * * *

(Questions proposed by the 1974 Constitutional Convention)

1. Are you in favor of amending the Constitution to remove the restriction against the legislature granting pensions for more than one year at a time? Yes ☐
No ☐
2. Are you in favor of amending the Constitution to prohibit denial or abridgment of equal rights by the state on account of race, creed, color, sex or national origin? Yes ☐
No ☐
3. Are you in favor of amending the Constitution to allow an organizational meeting of the legislature in December rather than January biennially and to conform election reporting procedures to reflect that change, and to permit the legislature to finally dissolve on the first Wednesday of December rather than seven days before the first Wednesday of January biennially? Yes ☐
No ☐
4. Are you in favor of amending the Constitution to permit the legislature to provide alternate methods of taking the oath of office by senators and representatives when oaths cannot readily be taken before the governor and council? Yes ☐
No ☐
5. Are you in favor of amending the Constitution to increase the size of the senate from twenty-four to thirty-six members and to make proportionate changes in the senate quorum and voting requirements and to permit division of a town, city ward or unincorporated place in forming senate districts when the population thereof makes division necessary to provide equal representation? Yes ☐
No ☐

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(Questions proposed by the 1973 General Court)

6. Are you in favor of amending the New Hampshire Constitution to conform to the Federal requirements allowing eighteen year olds to vote? Yes ☐
No ☐
7. Are you in favor of amending the Constitution to remove the restriction which provides that mileage may not be paid legislators for attendance at regular sessions after the first day of July following the convening of such session but retaining the restriction that they can not be paid mileage for more than 90 days for attendance at any such session? Yes ☐
No ☐